

1 DANIEL J. BRODERICK, #89424  
2 Federal Defender  
3 DAVID M. PORTER, Bar #127024  
Assistant Federal Defender  
3 801 I Street, 3rd Floor  
Sacramento, California 95814  
4 Telephone: (916) 498-5700

5 Seeking Appointment as Attorney for Defendant  
THEODORE R. STOVALL  
6  
7

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA, ) No. Cr. S 05-53 DLJ  
12 Plaintiff, )  
13 v. ) **REQUEST FOR APPOINTMENT OF  
14 THEODORE R. STOVALL, ) COUNSEL; ORDER**  
15 Defendant. )  
16 \_\_\_\_\_ ) **RETROACTIVE CRACK COCAINE  
REDUCTION CASE**  
17 ) Date: May 6, 2008  
18 ) Time: 10:00 a.m.  
19 ) Judge: Hon. D. Lowell Jensen  
20 )  
21 Pursuant to 18 U.S.C. §§ 3006A(c) and 3852(c)(2), Defendant,  
22 THEODORE R. STOVALL, hereby requests the court appoint the Office of  
23 the Federal Defender and Assistant Federal Defender David M. Porter as  
24 counsel to represent him with respect to his motion to reduce sentence  
25 pursuant to 18 U.S.C. § 3582(c)(2), filed April 2, 2008. Mr. Porter is  
familiar with the case and is willing to accept the appointment.\*

26 Appointment of counsel would serve the interests of justice in  
27 this case because it might facilitate a negotiated disposition of the  
motion and because the motion might raise novel legal issues  
surrounding application of the United States Sentencing Commission's  
28

---

\* Mr. Stovall has authorized the undersigned to file this application on his behalf.

1 recent retroactive reduction of sentences under the crack cocaine  
2 guidelines. Because Mr. Stovall's substantial rights may be affected  
3 by these criminal proceedings, he is constitutionally entitled to  
4 appointment of counsel. *Mempa v. Rhay*, 389 U.S. 128, 134 (1967).

5 Mr. Stovall's completed financial affidavit is attached hereto.

6 Accordingly, Mr. Stovall requests the Court issue the order lodged  
7 herewith.

8 Dated: April 2, 2008

9 Respectfully submitted,

10 DANIEL J. BRODERICK  
Federal Defender

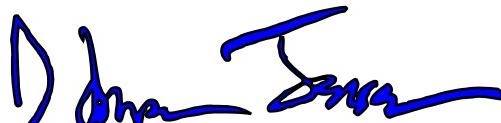
12 /s/ David M. Porter  
13 DAVID M. PORTER  
Assistant Federal Defender

14 Seeking Appointment as Attorney for Movant  
THEODORE R. STOVAL

16 **O R D E R**

17 Pursuant to defendant's request, and good cause appearing  
18 therefor, the Office of the Federal Defender and Assistant Federal  
19 David M. Porter is hereby appointed to represent defendant with respect  
20 to his motion to reduce sentence.

21 DATED: April 3, 2008



22 HONORABLE D. LOWELL JENSEN  
United States District Judge